

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRUNO HOFMANN, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

VS.

PHILIP LAUGHLIN, MICHAEL SABOLINSKI,
ALBERT ERANI, DONNA ABELLI LOPOLITO,
JOHN J. ARCARI, HERBERT M. STEIN,
ALAN ADES, BERNARD A. MARDEN,
ALAN W. TUCK, NOVARTIS PHARMA AG and
PRICE WATERHOUSECOOPERS LLP,

Defendants.

No.: 04-10027-JLT

**STIPULATION AND [PROPOSED] ORDER REGARDING SERVICE OF COMPLAINT
AND TIME TO ANSWER**

Plaintiffs and defendant Novartis Pharma AG (“Novartis”), by their undersigned counsel,
hereby stipulate and agree that:

- (1) Novartis acknowledges receipt, through its undersigned counsel, of the Class Action Complaint For Violations Of Federal Securities Laws, dated January 7, 2004 (the “Complaint”) filed in this action, waives service of judicial process under the Federal Rules of Civil Procedure, and waives any objections to, or defenses based on, service of the Complaint or summons ;
- (2) Service of any consolidated amended complaint(s) to be filed by plaintiffs in this action shall be effective and complete upon service by mail on Novartis’s undersigned counsel of a copy of any such consolidated amended complaint; Novartis waives service of judicial process under the Federal Rules of Civil

Procedure, and waives any objections to, or defenses based on, service of any such consolidated amended complaint or summons in connection therewith;

- (3) Novartis shall not move, answer, or otherwise respond to the Complaint unless a consolidated amended complaint is not filed within the time to be prescribed by the Court. If Plaintiffs fail to file a consolidated amended complaint within the time to be prescribed by the court, then Novartis shall move, answer or otherwise respond to the Complaint within sixty (60) days after the expiration of the time to be prescribed by the Court for the filing of a consolidated amended complaint; and
- (4) The time for Novartis to move, answer or otherwise respond to any consolidated amended complaint filed in this action is extended to and including sixty (60) days after the date on which such consolidated amended complaint is served upon Novartis through its undersigned counsel as set forth in paragraph (2) above.

Plaintiffs and defendant Novartis respectfully request that the Court approve their Stipulation.

Respectfully Submitted,

LEAD PLAINTIFFS

By their attorneys,

/s/ Nancy Freeman Gans
Nancy Freeman Gans (BBO #184540)
MOULTON & GANS, P.C.
33 Broad Street, Suite 1100
Boston, MA 02109-4216
Telephone: (617) 369-7979

Dated: August 17, 2004

Respectfully Submitted,

NOVARTIS PHARMA AG

By its attorneys

/s/ Glenn M. Kurtz
Glenn M. Kurtz
WHITE & CASE LLP
1155 Avenue of the Americas
New York, NY 10036-2787
Telephone (212) 819-8200

Dated: August 17, 2004

SO ORDERED:

Dated: _____

Joseph L. Tauro
United States District Judge.

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail, postage prepaid, on August 17, 2004.

/s/ Nancy Freeman Gans
Nancy Freeman Gans